

### **REMARKS**

Claims 1-23 are pending in the application. In view of the remarks that follow, Applicants respectfully request reconsideration.

#### **Independent Claim 1**

Independent Claim 1 stands rejected under 35 U.S.C. §102 as anticipated by Kendir U.S. Patent Application Publication No. 2002/0197584. This ground of rejection is respectfully traversed, for the following reasons. The PTO specifies in MPEP §2131 that, in order for a reference to anticipate a claim under §102, the reference must teach each and every element recited in the claim, and the reference must also show these elements arranged in the manner recited in the claim. Claim 1 of the present application recites:

a firearm sight which includes: . . .

a sensing section for detecting a physical movement of said  
firearm sight which is characteristic of a firing pin striking a  
cartridge; and

an imaging section responsive to detection by said sensing  
section of said physical movement for saving an image of the  
target and said reticle from a point in time just prior to detection of  
said physical movement.

Claim 1 specifies that the recited "sensing section" and "imaging section" are both included within the recited "firearm sight". In contrast, Figure 1A of Kendir discloses a firearm 6 with a firearm sight 16 mounted thereon, the sight 16 being a conventional optical sight. Kendir's firearm sight 16 does not include any structure that is even remotely comparable to either the sensing section or the imaging section recited in Claim 1. The Examiner notes that Kendir discloses a sensor 29 (Figure 2), and an imaging section 54 (Figure 1A). However, the elements 29 and 54 are not included within the firearm sight 16, nor are they used to aim the firearm 6 in preparation to take a shot. Instead, the elements 29 and 54 are part of an apparatus that displays

a target and then, after a shot has been taken, provides feedback about the accuracy of the shot. Since the elements 29 and 54 are not part of the sight 16, Kendir does not disclose each and every element that is recited in Claim 1, arranged in the manner required by Claim 1. Claim 1 is therefore not anticipated by Kendir. Claim 1 is believed to be allowable, and notice to that effect is respectfully requested.

#### Independent Claim 15

Independent Claim 15 stands rejected under 35 U.S.C. §102 as anticipated by Kendir. This ground of rejection is respectfully traversed, for the following reasons. As noted above, MPEP §2131 specifies that, for a reference to anticipate a claim under §102, the reference must teach each and every element recited in the claim, and the reference must also show these elements arranged in the manner recited in the claim. Claim 15 recites:

- a firearm sight with a viewing section which includes:
  - an image detector capable of producing a sequence of digital images of a target;
  - a display on which said viewing section presents said sequence of digital images, said display being visible to a user and having a resolution which is less than a resolution of said image detector; and
  - a digital zoom portion which can digitally change an effective size of said digital images as presented on said display.

Claim 15 specifies that the recited "image detector", "display" and "digital zoom portion" are included within the recited "firearm sight". In contrast, Figure 1A of Kendir discloses a firearm 6 with a conventional optical firearm sight 16 mounted thereon. The Examiner takes the position that Figure 1A of Kendir discloses structure that constitutes an image detector, a display and a digital zoom portion. However, Kendir's firearm sight 16 does not include any structure that is even remotely comparable to any of the image detector, display or digital zoom portion

that are recited in Claim 15. In particular, the structure identified by the Examiner is not included within the sight 16, and is not used to aim the firearm 6 in preparation to take a shot. Instead, all of the structure identified by the examiner is part of an apparatus that displays a target and then, after a shot has been taken, provides feedback about the accuracy of the shot. Since the structure identified by the Examiner is not part of the sight 16, Kendir does not disclose each and every element that is recited in Claim 15, arranged in the manner required by Claim 15. Claim 15 is therefore not anticipated by Kendir. Claim 15 is believed to be allowable, and notice to that effect is respectfully requested.

#### Independent Claim 21

Independent Claim 21 stands rejected under 35 U.S.C. §102 as anticipated by Kendir. This ground of rejection is respectfully traversed, for the following reasons. As noted earlier, MPEP §2131 specifies that, for a reference to anticipate a claim under §102, the reference must teach each and every element recited in the claim, and the reference must also show these elements arranged in the manner recited in the claim. Claim 21 of the present application recites:

a firearm sight which includes:  
a viewing section configured to permit a user to view an  
image of a scene in association with a digital reticle;  
a reticle adjustment portion which facilitates digital  
adjustment of the position of said reticle relative to said image,  
said reticle adjustment portion being responsive to radiation  
received by said firearm sight which is representative of a position  
of a firearm bore for automatically adjusting the position of said  
reticle to effect an alignment of said reticle in relation to the  
firearm bore.

Claim 21 specifies that the recited "firearm sight" includes both the recited viewing section with the "digital reticle", and the "reticle adjustment portion". In contrast, Figure 1A of Kendir

discloses a firearm 6 with a conventional optical firearm sight 16 mounted thereon. The Examiner takes the position that the system in Figure 1A of Kendir uses a digital reticle, and has a reticle adjustment portion. However, Kendir's firearm sight 16 does not include any structure that is even remotely comparable to either the digital reticle or the reticle adjustment portion recited in Claim 1. The structure identified by the Examiner is not included within the sight 16, and is not used to aim the firearm 6 in preparation to take a shot. Instead, all of the structure identified by the Examiner is part of an apparatus that displays a target and then, after a shot has been taken, provides feedback about the accuracy of the shot. Since the structure identified by the Examiner is not part of the sight 16, Kendir does not disclose each and every element that is recited in Claim 21, arranged in the manner required by Claim 21. Claim 21 is therefore not anticipated by Kendir. Claim 21 is believed to be allowable, and notice to that effect is respectfully requested.

#### Independent Claim 12

Independent Claim 12 stands rejected under 35 U.S.C. §102 as anticipated by Kendir. This ground of rejection is respectfully traversed; for the following reasons. As noted above, MPEP §2131 specifies that, for a reference to anticipate a claim under §102, the reference must teach each and every element recited in the claim, and the reference must also show these elements arranged in the manner recited in the claim. Claim 12 recites:

a sight having a viewing section and having a port through which a digital reticle can be introduced electronically into said viewing section from externally of said sight, said viewing section permitting a user to view an image of a scene in association with a digital reticle received through said port.

Claim 12 specifies that the recited sight includes "a port through which a digital reticle can be introduced electronically into said viewing section from externally of said sight". In contrast, Figure 1A of Kendir discloses a firearm 6 with a conventional optical firearm sight 16 mounted

thereon. The Examiner takes the position that Kendir's apparatus has structure that serves as a port through which a digital reticle can be introduced into the apparatus. However, Kendir's firearm sight 16 does not actually include any structure that constitutes "a port through which a digital reticle can be introduced electronically into said viewing section from externally of said sight". The structure identified by the Examiner is not included within the sight 16, nor is it used to aim the firearm 6 in preparation to take a shot. Instead, the structure identified by the Examiner is part of an apparatus that displays a target and then, after a shot has been taken, provides feedback about the accuracy of the shot. Since the structure identified by the Examiner is not part of the sight 16, Kendir does not disclose each and every element that is recited in Claim 12, arranged in the manner required by Claim 12. Claim 12 is therefore not anticipated by Kendir. Claim 12 is believed to be allowable, and notice to that effect is respectfully requested.

#### Independent Claim 16

Independent Claim 16 stands rejected under 35 U.S.C. §102 as anticipated by Kendir. This ground of rejection is respectfully traversed, for the following reasons. As discussed earlier, MPEP §2131 specifies that, for a reference to anticipate a claim under §102, the reference must teach each and every element recited in the claim, and the reference must also show these elements arranged in the manner recited in the claim. Claim 16 recites:

- a viewing section which permits a user to view an image of a scene in association with a reticle;
- a sensing portion for detecting movement of said viewing section which has a component approximately transverse to a line extending from said scene to said viewing section; and
- a further section for providing the user with information based on said movement of said viewing section detected by said sensing portion.

The Examiner cites paragraph [0042] of Kendir, and asserts that Kendir's display 54 constitutes a viewing section that permits a user to view an image of a scene in association with a reticle. However, and contrary to the assertions in the Office Action, paragraph [0042] does not appear to discuss anything that could reasonably be considered to be a reticle. The Examiner then cites paragraph [0034] of Kendir, and asserts that Kendir's shock wave sensor 29 constitutes a sensing portion for detecting movement of the viewing section which has a component approximately transverse to a line extending from a scene to the viewing section. However, during normal system operation, Kendir's viewing section 54 is stationary and does not move. Moreover, since the viewing section 54 does not move, the sensor 29 does not detect movement of the viewing section 54. Instead, the sensor 29 detects a small shock wave produced by a firearm hammer located inside the firearm 6. The Examiner goes on to cite lines 10-20 in paragraph [0046] of Kendir, asserting that this part of Kendir discusses structure that provides a user with information based on the movement of the viewing section detected by the sensing portion. However, this portion of Kendir merely discusses target data that is stored within Kendir's computer system 18. Since Kendir's viewing section 54 does not move during normal operation, and Kendir's sensor 29 detects something other than movement of the viewing section 54, Kendir obviously does not have any structure that could be considered to be "a further section for providing the user with information based on said movement of said viewing section detected by said sensing portion", and this claim limitation is certainly not met by Kendir's stored target data. It is therefore respectfully submitted that most of the structure recited in Claim 16 does not have any apparent equivalent in Kendir's system. It should thus be clear that Kendir does not disclose each and every element recited in Claim 16, arranged in the manner required by Claim 16. Claim 16 is therefore not anticipated by Kendir. Claim 16 is believed to be allowable, and notice to that effect is respectfully requested.

#### Independent Claim 7

Independent Claim 7 stands rejected under 35 U.S.C. §102 as anticipated by Kendir. This ground of rejection is respectfully traversed, for the following reasons. MPEP §2131 specifies that, for a reference to anticipate a claim under §102, the reference must teach each and

every element recited in the claim, and the reference must also show these elements arranged in the manner recited in the claim. Claim 7 recites:

a viewing section which permits a user to view an image of a scene  
in association with a digital reticle, said viewing section including  
a reticle adjustment portion which facilitates digital adjustment of  
the position of said reticle relative to the image.

The Examiner asserts that lines 1-10 in paragraph [0042] of Kendir disclose structure that constitutes a viewing section which permits a user to view an image of a scene in association with a digital reticle. However, lines 1-10 in paragraph [0042] merely discuss how target images stored in Kendir's computer system can be scaled for presentation on the display 54. Contrary to the assertions in the Office Action, Applicants do not see anything in lines 1-10 of paragraph [0042] that could even remotely be considered to be a digital reticle. The Examiner then goes on to assert that lines 10-18 in paragraph [0045] of Kendir disclose structure that constitutes a reticle adjustment portion which facilitates digital adjustment of the position of a reticle relative to an image. However, lines 10-18 in paragraph [0045] merely explain that, while Kendir's display 54 is displaying a target image, it can superimpose onto that image an indicator representing an impact location of a shot from the firearm 6. But the indicator is not comparable to a reticle. Moreover, a given shot has a fixed impact location on the target image, and neither the impact location nor the indicator moves relative to the target image. Consequently, Kendir has nothing that could be considered to be "digital adjustment of the position of said reticle relative to the image" as recited in Claim 7. It is therefore respectfully submitted that most of the structure recited in Claim 7 does not have any apparent equivalent in Kendir's system. Consequently, Kendir does not disclose each and every element recited in Claim 7, arranged in the manner required by Claim 7. Claim 7 is therefore not anticipated by Kendir. Claim 7 is believed to be allowable, and notice to that effect is respectfully requested.

Dependent Claims

Claims 2-6, Claims 8-11, Claims 13-14, Claims 17-20 and Claims 22-23 respectively depend from Claim 1, Claim 7, Claim 12, Claim 16 and Claim 21, and are also believed to be distinct from the art of record, for example for the same reasons discussed above with respect to Claims 1, 7, 12, 16 and 21, respectively.

Information Disclosure Statement

Applicants are enclosing a Sixth Information Disclosure Statement, citing some documents that were recently made of record in a related application.

Conclusion

Further and favorable consideration of this application is respectfully requested. If the Examiner believes that examination of the present application may be advanced in any way by a



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telephone conference, the Examiner is invited to telephone the undersigned attorney at  
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Respectfully submitted,



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Enclosures: Sixth Information Disclosure Statement, with Form PTO-1449, and  
a copy of a cited reference  
Check (\$180.00)  
Acknowledgement Post Card

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